



MEMO ENDORSED

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BY FACSIMILE # (212) 805-7930

Hon. James C. Francis, IV
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, New York 10007

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Re: Mark Nunez v. City of New York, et al., 11-CV-5845 (ETS) (JCF)

Your Honor:

We write in order to request one additional week, to December 21, 2012, to address outstanding issues concerning (1) the date defendants' answer is due, and (2) a possible stipulation between the parties with regard to class certification. We have conferred with plaintiff's counsel, who consent to this request. According to the court's most recent memo endorsement, the City's answer would be due tomorrow. However, as I have advised plaintiff's counsel, the Department of Correction ("DOC") internal investigations concerning incidents in which seven (7) of the twelve (12) named plaintiff's were involved remain open at this time. Until those investigations are completed, the City cannot interview the officers named as defendants in connection with those incidents because of potential conflicts. In order to resolve this matter, the parties have agreed (subject to negotiation of a final stipulation) that (1) the lawsuit would proceed as a class action with regard to injunctive relief, and (2) the City's answer, and that of all individual defendants represented by the City, would be due on February 1, 2013. The parties would continue discovery in the interim (viz., the City has produced approximately 150,000 pages of documents and we expect to continue this process.)

12/13/12

Application granted.

so ORDERED.

James C. Francis, IV

cc: All Counsel (by facsimile)

Respectfully submitted,

Arthur G. Larkin (AL 9059)
Assistant Corporation Counsel

USM